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10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 -vs-

15 ADRIAN NAVARRETE,

16 Defendant,

CASE NO: 2:19-mj-00854-BNW

17 **MOTION TO WITHDRAW PLEA**  
18 **AND ENTER AMENDED PLEA**  
19 **TO RECKLESS DRIVING**

20 COMES NOW Defendant ADRIAN NAVARRETE, by and through his attorney  
21 of record DAMIAN SHEETS, ESQ., of the law firm Nevada Defense Group, and hereby  
22 requests to be allowed to withdraw his plea to Operating a Motor Vehicle While Under the  
23 Influence of Alcohol, and to enter a plea of guilty to an amended charge of Reckless  
24 Driving. This request is made based on the following facts and legal points and authorities  
25 as outlined herein.

26 DATED this 23<sup>rd</sup> day of September, 2022

27 NEVADA DEFENSE GROUP

28 BY s/ Damian Sheets  
DAMIAN R. SHEETS, ESQ.  
Nevada Bar No. 10755

**MEMORANDUM OF POINTS AND AUTHORITIES**

**STATEMENT OF FACTS**

On or about December 30, 2019, Defendant Adrian Navarrete signed a guilty plea to one count of Operating a Motor Vehicle While Under the Influence of Alcohol. Pursuant to the plea agreement, Mr. Navarrete was required to pay fines and assessments totaling \$510, complete 64 hours of community service, attend and complete the Victims Impact Panel, attend and Complete the DUI course, and be restricted from entering Lake Mead for six months, and not violate any state, local, or federal laws. So long as Mr. Navarrete completed these conditions within a six month period of his change of plea hearing, he would be allowed to withdraw his plea to the original charge and enter a plea to a reduced charge of Reckless Driving. Mr. Navarrete entered his plea on January 15, 2020.

On or about August 14, 2020, the undersigned submitted a Statement of Compliance for Mr. Navarrete, which showed he completed the Victims Impact panel on May 6, 2020, he completed the DUI School on May 6, 2020, he completed 64 hours of community service by April 29, 2020, and, on January 28, 2020, the cash bond authorization was signed (allowing the cash bond to be applied to the fine imposed by the court). To the knowledge of the undersigned, Mr. Navarrete did not violate any state, local or federal laws, and he did stay away from Lake Mead.

Shortly after submitting the Statement of Compliance, the undersigned was diagnosed with Covid, which resulted in embolisms, bilateral pneumonia, and hospitalizations. To date (almost two years later), the undersigned is still in recovery, having recently tested to only have lung capacities in the 70-80% range. During that time period, the undersigned was unaware that the charges in this case had not been reduced automatically and, upon a review of old case files, undersigned discovered this case is ripe for a reduction.

1 As such, pending any dispute from the government about whether Mr. Navarrete  
2 stayed away from Lake Mead, or whether he failed to stay out of trouble, it appears that,  
3 per the Plea Agreement, he did complete all conditions within the six months of his  
4 change of plea. As such, a hearing is respectfully requested to allow Mr. Navarrete to  
5 change his plea.

6 **CONCLUSION**

7 For the aforementioned reasons, Mr. Navarrete requests the opportunity to  
8 reduce his plea to a plea of Reckless Driving.

9  
10 DATED this 23<sup>rd</sup> day of September, 2022

11 NEVADA DEFENSE GROUP

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13  
14 BY s/ Damian Sheets  
15 DAMIAN R. SHEETS, ESQ.  
16 Nevada Bar No. 10755

17 **ORDER**

18 IT IS ORDERED that ECF No. 13 is GRANTED.  
19 The Court further notes that a hearing is not  
20 required.

21 IT IS SO ORDERED

22 DATED: 2:13 pm, October 07, 2022

23 

24 BREND A WEKSLER  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
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